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7 CAROLYN MARTIN

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 CAROLYN MARTIN

CASE NO. C10-05195 JSW
Civil Rights

12 Plaintiff,

13 V.

14 KOHL'S DEPARTMENT STORES,
15 INC; HARSCH INVESTMENT
16 REALTY LLC, SERIES C;
17 and DOES 1-25, Inclusive,

**STIPULATION , DECLARATION,
AND ~~[PROPOSED]~~ ORDER FOR
ENLARGEMENT OF TIME TO
CONDUCT JOINT SITE
INSPECTION**

18 Defendants.
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(Local Rule 6-2)

STIPULATION

Plaintiff Carolyn Martin and Defendants Kohl's Department Stores, Inc. and Harsch Investment Realty, LLC, Series C, by and through their attorneys, stipulate to an extension of time from February 24, 2011 to April 29, 2011 to conduct the Joint Site Inspection required by the court's Scheduling Order in the case and by General Order 56.

_____The parties further stipulate that this Stipulation may be signed in counter parts and that facsimile or electronically transmitted signatures shall be as valid and binding as original signatures.

Date: 2/1/11

SIDNEY J. COHEN
PROFESSIONAL CORPORATION
/s/ Sidney J. Cohen

Sidney J. Cohen
Attorney for Plaintiff Carolyn Martin

Date: 2/1/11

FARELLA BRAUN + MARTEL LLP
/s/ Adam C. Dawson

Adam C. Dawson
Attorney for Defendant Harsch
Investment Realty LLC

Date: 2/1/11

PAYNE & FEARS LLP
/s/ Leila Narvid

Leila Narvid
Attorney for Defendant Kohl's
Department Stores, Inc._____

DECLARATION OF SIDNEY J. COHEN

I, Sidney J. Cohen, declare:

1. I am counsel for Plaintiff in this action. I am an attorney in good standing and licensed to practice in the courts of California, in the United States District Courts for the Northern, Eastern, and Central Districts, in the United States Court of Appeals for the Ninth Circuit, and in the United States Supreme Court. If called upon to testify, I would testify as follows:

2. Counsel for the parties have learned of the very recent purchase of the property and premises which is the subject of this action by Harsch Alameda Towne Centre, LP, a Delaware Limited Partnership.

3. The parties have entered into and e filed with the court a “STIPULATION AND[PROPOSED] ORDER TO PERMIT PLAINTIFF TO FILE A FIRST AMENDED COMPLAINT” to add Harsch Alameda Towne Centre, LP, a Delaware Limited Partnership, as a defendant in the action.

4. The Court has signed the Order to permit plaintiff to add Harsch Alameda Towne Centre, LP as a party defendant, and its attendance at and participation in the General Order 56 “Joint Site Inspection” is essential in the process of moving the litigation to a resolution.

5. An extension of the “Joint Site Inspection” date from February 24, 2011 to April 29, 2011 should provide sufficient time for plaintiff to serve the First Amended Complaint on defendants, for defendants, including Harsch Alameda Towne Centre, LP, A Delaware Limited Partnership, to respond to the First Amended Complaint, and for the parties and their attorneys and consultants to attend a joint site inspection by no later than April 29, 2011.

6. With the exception of extending the initial disclosure deadline (7 days prior to the joint site inspection), the “meet and confer” deadline (10 business days after the joint site inspection date), and the date by which plaintiff must file any necessary notice of need for mediation (45 days after the joint site inspection date), the requested enlargement will not effect deadlines.

7. There have been no previous modifications in the case by Stipulation or Court Order which have altered court ordered deadlines.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of February, 2011 at Oakland, California.


/s/ Sidney J. Cohen
Sidney J. Cohen

ORDER

Having considered the parties Stipulation and the supporting Declaration, and for good cause shown, the court enlarges the date by which the parties must conduct the joint site inspection of the property and premises which is the subject of this lawsuit from February 24, 2011 to April 29, 2011.

IT IS SO ORDERED.

Date: February 3, 2011



Jeffrey S. White
United States District Judge